



ROBERT W. BECKER & ASSOCIATES
707 HIGHWAY 333
SUITE B
TIJERAS NM 87059-7507

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Applicant: LUCHT, et al.
Appl. No.: 10/522,608
International Filing Date: May 27, 2003
Title: SAFETY BELT RETRACTOR HAVING A PRETENSIONING DEVICE
Attorney Docket No.: AFK-16214-WO-US
Pub. No.: US 2005/0173580 A1
Pub. Date: August 11, 2005

This is a decision on the request entitled "Letter to Publication Office", received on February 26, 2008, which appears to be a request to amend the publication to include the drawings. It is unclear if the Letter is a request to republish. If it is such a request, Applicants failed to follow the requirements under 37 CFR 1.221.

The request is DISMISSED.

If applicants are requesting relief under 37 CFR 1.221 (b), the request is late. If applicants are requesting relief under 37 CFR 1.221 (a) then the procedures required for republication have not been followed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section **must be filed within two months from the date of the patent application publication**. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on February 26, 2008, was not timely filed under 37 CFR 1.221(b).

As to the republication request under 37 CFR 1.221(a) applicants have failed to meet the requirements. The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication

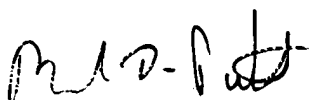
¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

“must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication” and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy